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August 10, 2004

**SUMMARY OF  
*EX PARTE* PRESENTATION**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWA325  
Washington, DC 20554

**Re: Ex Parte Presentation CC Docket No. 96-115**

Dear Ms. Dortch:

On August 9, 2004, the undersigned, United States Telecom Association (USTA), met with Anthony Dale, William Dever, and William Cox of the Federal Communications Commission's (FCC) Wireline Competition Bureau. The purpose of the meeting was to discuss customer proprietary network information (CPNI) in the context of the FCC's Third Further Notice of Proposed Rulemaking in the above referenced proceeding.<sup>1</sup>

Consistent with its prior filings in this proceeding, USTA articulated that telecommunications carriers should be permitted to store and access CPNI wherever the carrier deems appropriate, whether in the United States or abroad. Rational business practices, and not additional regulation, should guide the storage of CPNI. Moreover, USTA reiterated that carriers should be permitted to utilize CPNI to transition customers when a carrier sells its assets or goes out of business without having to acquire further customer approval. The FCC should not implement additional rules in instances where a carrier going out of business is transferring CPNI. Finally, USTA addressed the net effect upon telecommunications carriers of the FCC's current preemption standard for state CPNI rules.

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<sup>1</sup> See *Implementation of the Telecommunications Act of 1996; Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended; 2000 Biennial Regulatory Review - Review of Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket Nos. 96-155, 96-149, and 00-257 (July 25, 2002) (Further Notice).

Ms. Marlene Dortch

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In accordance with Section 1.1206(b)(2) of the Federal Communications Commission's (FCC) rules, this letter is being filed electronically with your office. Please feel free to contact me at (202) 326-7271 should you have any questions.

Sincerely,



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Michael T. McMenamin  
Associate Counsel

cc: Anthony Dale  
William Dever  
William Cox